**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.25693 OF 2006**

**DATED: 30-04-2007**

Between :

S. Srinivasa Rao and others …. Petitioners

And

The Govt. of A.P., at Hyderabad,
And others. .. Respondents

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.25693 OF 2006**

**ORDER :**

This writ petition is filed seeking a declaration that the Notification dated 21-8-2006 published under Section 4 (1) of the Land Acquisition Act proposing to acquire 2 acres of dry land belonging to the petitioners situated in RS.No.151/1 of Chinna Avutapalli Village, Gannavaram Mandal, Krishna District as arbitrary and illegal.

The petitioners herein claim ownership and possession in respect of the land in question by virtue of a will executed by one Maddineni Venkaiah who died on 11-12-1971. It is also stated that their names were mutated in the revenue records and there are no civil suits or disputes pending in respect of the said land. However in the impugned notification dated 21-8-2006 as well as the notice issued by the 2nd respondent inviting objections from the effected land owners, the name of late Maddineni Venkaiah is shown as the owner.

In this writ petition, it is primarily contended that the impugned notification issued in the name of a dead person is arbitrary and illegal. It is also contended that the proposed acquisition is unwarranted since suitable alternative lands are available in the vicinity.

It is to be noted that admittedly under the impugned notification the enquiry under Section 5-A of the Land Acquisition Act, 1894 (for short, 'the Act') was not dispensed with and the petitioners have already submitted their objections on 4-12-2006 against the proposed

acquisition.

In the circumstances, it is for the 1st respondent to consider the said objections raised by the petitioner and to take appropriate decision in accordance with law. This writ petition filed on 8-12-2006 while the enquiry before the 1st respondent is still pending is premature and cannot be entertained.

The Writ Petition is accordingly disposed of leaving it open to the respondents to consider the objections raised by the petitioners and to take appropriate decision in accordance with law.

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G. ROHINI, J.

Dt.30-04-2007

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